

REMARKS

In reply to the Office Action of May 28, 2004, Applicant submits the following remarks.

Claims 1-30 are pending, with claims 1, 11, and 21 being independent.

Claims 1, 11, and 21 have been amended to correct typographical errors in the originally filed claims.

Claims 1-30 stand rejected as allegedly anticipated by European Patent Application EP 921,666 A2 ("Ward"). Applicant requests withdrawal of this rejection because Ward does not describe or suggest the subject matter of independent claims 1, 11, or 21.

Independent claims 1, 11, and 21, respectively, recite a method, a computer program, and a computer system for dynamic latency management in a real-time electronic communication. A communication delay arising from a receiving data buffer is measured, a latency adjustment necessary to adjust the size of the communication delay to within a predetermined range is determined, and an optimal range for a size of the communication delay based on the measured communication delay is determined. Based on the measured communication delay and on the optimal range for the size of the communication delay, a number of samples of a playback data block passing through the receiving data buffer is modified.

Ward does not describe or suggest modifying a number of samples of a playback block passing through a receiving buffer.

Ward relates to managing the reception of voice communication data in a packet-switched computer network. Abstract. A computer records a user's speech by sampling an analog voice signal at a rate of 8 kHz to create voice samples with a length of about 125 microseconds (i.e., the sample length is equal to the inverse of the sampling rate). Page 6, lines 1-2. A plurality of samples "are assembled into a frame or unit of samples", and "between about 80 and 320 samples are collected into a frame or unit of voice data representing between about 10 to 40 milliseconds of sound." Page 6, lines 4-6. The frames are received by a receiving computer and are stored in a buffer from which they are extracted for playback of the voice data. Normally, the frames are extracted sequentially from the buffer at a regular rate. However, a gate controller can increase the number of frames stored in the buffer by decreasing the rate at

which they are extracted from the buffer or can decrease the number of frames in the buffer by increasing the rate at which they are extracted. For example, to decrease the number of frames in the buffer, the gate controller can extract two frames from the buffer, pass one of the frames to be processed, and discard the other frame. To increase the number of frames in the buffer, the gate controller can extract a substitute frame from a substitute register. Page 6, lines 32-49; page 4, lines 25-26. As described, Ward focuses on the rate with which frames pass through the buffer, but fails to describe or suggest modifying a number of samples of a playback data block passing through the receiving data buffer.

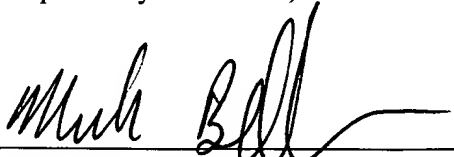
In contrast, claim 1 recites a method in which a number of samples of a playback data block passing through the receiving data buffer is modified. Claims 11 and 21, respectively, recite a computer program and a computer system for modifying a number of samples of a playback data block passing through the receiving data buffer. Thus, the claims require modifying the number of samples within an individual playback block, rather than modifying the rate at which playback blocks (or "frames") are extracted from the buffer, as in Ward.

For at least this reason, applicants request withdrawal of the rejection of independent claims 1, 11, and 21 and their dependent claims 2-10, 12-20, and 22-30.

No fees are believed to be due at this time. Please apply any other charges or credits to deposit account 06-1050, referencing Attorney Docket No. 06975-148001.

Respectfully submitted,

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